



The City of San Diego

Staff Report

DATE ISSUED: November 29, 2021

TO: City Council

FROM: Human Resources

SUBJECT: Emergency Ordinance to Implement the City's Mandatory COVID-19 Vaccination Policy

Primary Contact: Erik Hanson Phone: (619) 236-5599

Secondary Contact: Abby Jarl-Veltz Phone: (619) 236-6314

Council District(s): Citywide

OVERVIEW:

This action approves an emergency ordinance to implement the Mandatory COVID-19 Vaccination Policy being presented by the Mayor.

PROPOSED ACTIONS:

Approve the emergency ordinance authorizing and establishing the City's Mandatory COVID-19 Vaccination Policy, in accordance with San Diego Charter (Charter) section 295.

DISCUSSION OF ITEM:

In accordance with Charter section 295, the provisions of this emergency ordinance are being proposed by the Mayor for approval by the San Diego City Council (Council). This emergency ordinance is required for the immediate preservation of the public peace, safety, health, and welfare pursuant to Charter section 295 and shall take effect immediately from the day of adoption by the affirmative vote of at least six members of the Council.

The Mandatory COVID-19 Vaccination Policy to be implemented through the emergency ordinance recognizes that coronavirus disease (COVID-19) is an infectious respiratory disease caused by the SARS-CoV-2 virus; and that in response, there have been declarations of emergency issued at the federal, state, and local level:

- February 19, 2020, the Board of Supervisors of the County of San Diego ratified a declaration of local health emergency related to COVID-19;
- March 4, 2020, the Governor of the State of California declared a state of emergency due to the threat of COVID-19; and
- March 12, 2020, the Mayor of the City of San Diego proclaimed the existence of a local emergency related to the COVID-19 threat, which was ratified by the Council on March 17, 2020, by Resolution R-312895.

According to the U.S. Centers for Disease Control and Prevention, the California Department of Public Health, and the San Diego County Health and Human Services Agency, COVID-19 continues to pose a substantial threat to public health and safety, especially to those who are not fully vaccinated against COVID-19.

To protect the City's workforce and the public it serves, the Mayor is recommending that the Council adopt a Mandatory COVID-19 Vaccination Policy that requires all current City employees (all unclassified/unrepresented employees, classified/unrepresented employees, and employees represented by a recognized employee organization), elected officials, members of boards and commissions, and authorized volunteers to be fully vaccinated against COVID-19 and provide proof of their full vaccination by December 1, 2021, as a condition of continued employment or service with the City.

In addition, all newly hired or appointed City employees, elected officials, members of boards and commissions, and authorized volunteers are required to be fully vaccinated against COVID-19 and provide proof of their full vaccination before their start date, as a minimum requirement for employment or service with the City, effective immediately.

The Mandatory COVID-19 Vaccination Policy will require all City contractors, who interact in person with City employees while providing contracted services indoors in City facilities or while performing bargaining unit work indoors, to be fully vaccinated against COVID-19, effective January 3, 2022, as a condition for provision or continued provision of contracted services.

The emergency ordinance provides that all current or newly hired or appointed City employees, elected officials, members of boards and commissions, and volunteers may submit a request to the City for reasonable accommodation and a medical or religious exemption from the COVID-19 vaccination requirement, which will be evaluated on a case-by-case basis as required by the Americans with Disabilities Act, Title VII of the Civil Rights Act of 1964, and the California Fair Employment and Housing Act. For new hires or appointments, reasonable accommodations must be approved prior to the person's start date.

In accordance with the MMBA, the City provided its recognized employee organizations with notice and the opportunity to meet and confer regarding the impacts of the Mandatory COVID-19 Vaccination Policy. As of the date of this Staff Report, the City continues its obligations under the MMBA to resolve disputes raised by one of its recognized employee organizations.

The Mandatory COVID-19 Vaccination Policy Ordinance, as presented, currently includes no changes to the general wages for represented and unrepresented City employees.

Staff recommends approval of the emergency ordinance.

City Strategic Plan Goal(s)/Objective(s):

Goal #3: Create and sustain a resilient and economically prosperous City.

Objective #3: Diversify and grow the local economy.

Objective #5: Enhance San Diego's global standing.

Fiscal Considerations:

The cost of COVID-19 to the City of San Diego from October 1, 2020 to September 30, 2021 due to lost work time for COVID-19 positive and exposed employees is approximately \$3,648,130. Additional fiscal impacts are anticipated with providing reasonable accommodations on a case-by-case basis in accordance with the law. However, the fiscal impacts are currently unknown.

Charter Section 225 Disclosure of Business Interests:

N/A

Environmental Impact:

This activity is not a project as defined by the California Environmental Quality Act Section 21065 and State CEQA Guidelines Section 15378(b)(5), as it is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment. This activity is not subject to CEQA, pursuant to Section 15060(c)(3), and is not appealable.

Climate Action Plan Implementation:

N/A – Does not have a connection to the CAP

Equal Opportunity Contracting Information (if applicable):

N/A

Previous Council and/or Committee Actions:

N/A

Key Stakeholders and Community Outreach Efforts:

All City of San Diego employees, elected officials, members of boards and commissions, authorized volunteers, and specified City contractors.

Julie Rasco

Human Resources Director

Kristina Peralta

Deputy Chief Operating Officer